

**500 HARVARD STREET**  
**WAIVER LIST BROOKLINE BY-LAWS**  
**Zoning District L-1.0**  
Revised March 30 2021

**Zoning By-Law Waivers**

<b>Bylaw Section</b>	<b>Requirement</b>	<b>Requested Waiver(s) L-1.0</b>	<b>Details of Proposal Requiring Waiver</b>	<b>Waiver Number</b>
<b>§4.08</b>	Affordable Housing Requirements	Use property for multi-family housing without a special permit and without complying with specific requirements.	The Development is a multi-family housing development under M.G.L. c. 40B and all affordable housing requirements are governed by the Comprehensive Permit.	A
<b>§5.09</b>	Design Review	Design Review requirements not applicable under M.G.L. c. 40B, excluding landscaping, stormwater and utility, which shall comply. No waiver requested from 5.09.4a-j, inclusive or from l and m.	Comprehensive Permit, as may be granted by Zoning Board of Appeals shall provide all local permits per M.G.L. c. 40B § 20- 23.	B
<b>§5.20 &amp; Table §5.01</b>	Maximum Floor Area	Waiver from maximum ratio of gross floor area to lot area (M-1.0 in L-1.0 District).	The Development is on a 6,871+/- s.f. lot and the buildings will have 30,345 gross s.f., for a total floor area ratio of approximately 4.4, (this number excludes 2,169 s.f. of parking area).	C
<b>§5.30 &amp; Table §5.01</b>	Maximum Height of Buildings	Waiver from maximum building height limitations. (40 ft. in L-1.0 District). Waiver requested under Section 5.30.2.a.1, or section otherwise determined by the Building Commissioner.	The height of the Development will exceed the 40' height limit, as the building will be 72'+/- as calculated using Section 5.30.2.a.1.	D
<b>§5.45</b>	Traffic Visibility Across Corners	Waiver from the requirement that no structure, fence, planting or other structure shall be maintained between a plane two and one-half feet above curb level and a plane seven feet above curb level.	Waiver required to allow the building setbacks as proposed.	E
<b>§5.50 &amp; Table §5.01</b>	Minimum Front Yard (Harvard Street)	Waiver from 10' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 0' along Harvard Street.	F
<b>§5.50 &amp; Table §5.01</b>	Minimum Front Yard (Kenwood Street)	Waiver from 10' minimum front yard requirement.	The Development has two front yards and will have a minimum front yard setback of 0' along Kenwood Street.	G

<b>§5.50 &amp; Table §5.01</b>	Minimum Front Yard Setback for Garage Entrance	Waiver from the 20' minimum front yard requirement for garages or vehicle passageways.	The garage entrance will be recessed 13'-6" from the building's façade along Kenwood Street and setback 17'-5" from the property line.	H
<b>§5.07, §5.60 &amp; Table §5.01</b>	Minimum Side Yard (Harvard)	Waiver from 18' minimum side yard requirement (10' + L/10', using the requirements for M1.0)	The side yard setback for the Development will be 0'. This is a corner lot where the side lot line will be that shared with 514 Harvard Street.	I
<b>§5.07, §5.70 &amp; Table §5.01</b>	Minimum Rear Yard (Kenwood)	Waiver from 30' minimum rear yard requirement (using the requirements for M-1.0)	The Development will have a minimum rear yard setback of 3'. This is a corner lot where the side lot line will be that shared with 9 Kenwood Street.	J
<b>§5.52</b>	Maximum Fence Height Front Yard	Waiver from the maximum fence/terrace requirement of 7' in the front yard.	The Development may have a fence within the 18' front yard setback that is 8 feet tall.	K
<b>§5.62</b>	Maximum Fence Height Side Yard	Waiver from the maximum fence/terrace requirement of 7' in the side yard.	The Development may have a fence along the side lot line that is 8 feet tall.	L
<b>§5.64</b>	Sideyards for Non-Dwelling Uses in Business or Industrial Districts	Waiver from the requirement to provide a side yard where no side yards are required for permitted uses, other than dwellings, in L, G, O-2 or I Districts, except where a side lot line abuts an S, SC, T, F, or M District, in which case the side yard requirements of the S, SC, T, F, or M District shall apply	The side yard setback for the Development will be 0'. This is a corner lot where the side lot line will be that shared with 514 Harvard Street.	M
<b>§5.74</b>	Maximum Fence Height Rear Yard	Waiver from the rear yard maximum fence/terrace requirement of 7'.	The Development may have a fence along the side lot line that is 8 feet tall.	N
<b>§5.07, §5.91 &amp; Table §5.01</b>	Minimum Usable Open Space	Waiver from the usable open space requirement of 3,947 s.f. (20% of residential gross floor area, using the requirements for M1.0)	The Development will have 0 square feet of usable open space.	O
<b>§6.02, Table §6.02</b>	Off-Street Parking Space Regulations	Waiver from the required 50 residential parking spaces.	The Development will have a total of 10 parking spaces using stackers, two will be accessible.	P
<b>§6.02.2.f</b>	Required parking spaces for use by visitors and tradespeople.	Waiver from the required 5 visitor/tradespeople parking.	The Development will have a total of 0 parking spaces for visitors/tradespeople.	Q

<b>§6.04</b>	Design of All Off-Street Parking Facilities	The applicant requests a waiver from this section to allow the parking garage and associated parking spaces to be built in conformance to the Plan Set of Record.	The Development's parking design is shown on the plan labeled Ground Floor Plan 8 of the 10 parking spaces will be automated lift spaces.	R
<b>6.04.2a</b>	Design of All Off-Street Parking Facilities	The applicant requests a waiver from the minimum dimensions of stalls. Width required is 8.5'.	The parking spaces are 8'x18' with an 8'x18' hatched area as required for accessible spaces and the stackers are approximately 8'-6"x20'.	S
<b>§6.04.2.e</b>	Design of All Off-Street Parking Facilities	The applicant requests a waiver from the requirement that no more than 25% of the total number of parking spaces provided may be designated for use by compact cars only.	The parking spaces are 8'x18' as required for accessible spaces and the stackers are approximately 8'-6"x20'. This waiver is requested as the stacker system may not meet the minimum dimensions of stalls and all of the parking may be considered compact.	T
<b>§6.06.6</b>	Off-Street Loading Regulations	Waiver from the provision of (1) one off-street loading bay.	The development will provide no off-site loading bay.	U
<b>General By-Law Waivers</b>				
<b>Demolition Delay Bylaw</b>	Demolition Delay	Waiver from Preservation Commission review to protect and preserve Significant Buildings.	The existing structure will be demolished with this proposal. Comprehensive Permit, as may be granted by Zoning Board of Appeals, shall provide all local permits per M.G.L. c. 40B § 20-23.	V



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November 16, 2018

Daniel Bennett  
Building Commissioner  
333 Washington Street, 3<sup>rd</sup> floor  
Brookline, MA, 02445

RE: A&M Project #2259-02  
500 Harvard Street, Brookline, MA  
Maximum Height of Building per Section 5.30

Dear Mr. Bennett,

The subject parcel at 500 Harvard Street (Lot 1, Map 72) is located within the L-1.0 Zoning District with a maximum height of 40 feet. The parcel abuts other lots to the rear in the M-2.0 and T-5 Zoning Districts. The maximum height in the M-2.0 and T-5 Zoning District is 50 feet and 35 feet respectively. The evaluation of allowable building height under Section 5.30 of the Brookline Zoning Bylaw was performed with respect to the most restrictive abutting parcel in the T-5 Zoning District.

Section 5.30 2.a.1). applies – “Where the lot abuts other lots to the rear which are subject to more restrictive height limitations:

- a. For a building or buildings on a lot not more than 160 feet in any dimension:
  - 1) Height shall be measured from the record grade of the street opposite the midpoint of the street frontage of the lot, or, if a corner lot, of the street frontage having the lower record grade.”

500 Harvard Street is a corner lot and the lot does not measure more than 160 feet in any dimension. The record grade of the street opposite the midpoint of the street frontage along Harvard Street is 44.05. The record grade of the street opposite the midpoint of the street frontage along Kenwood Street is 46.72.

Therefore, the allowable maximum elevation =  $44.05 + 40 = 84.05$

The proposed maximum building elevation at the roof is 115.42.

Therefore, the proposed building height will be approximately 31.37 feet higher than what is allowed in the L-1.0 Zoning District. If you have any questions or comments. Please do not hesitate to contact our office.

Very truly yours,

**ALLEN & MAJOR ASSOCIATES, INC.**

Timothy J. Williams, P.E.  
Principal